

JAP:UAD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M10-1494

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UNITED STATES OF AMERICA

REMOVAL TO THE EASTERN
DISTRICT OF VIRGINIA

- against -

Fed. R. Crim. P. 5

DONALD CONE,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JULIE HILARIO, being duly sworn, deposes and says that she is a Special Agent with the United States Department of Homeland Security Homeland Security Investigations ("HSI") duly appointed according to law and acting as such.

Upon information and belief, on November 10, 2010¹ an arrest warrant was issued by the United States District Court for the Eastern District of Virginia charging the defendant DONALD CONE with conspiracy to commit wire fraud and wire fraud, in violation of Title 18, United States Code, Sections 371 and 1343, respectively.

The source of your deponent's information and the grounds for his belief are as follows:

¹ The date on the arrest warrant is November 9, 2010. However, the indictment was not in fact returned by the grand jury, and the arrest warrant did not issue, until November 10, 2010.

1. On November 10, 2010, a grand jury in the United States District Court for the Eastern District of Virginia returned an indictment charging the defendant DONALD CONE with with one count of conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 371, and three counts of wire fraud, in violation of Title 18, United States Code, Section 1343. A copy of the indictment is attached hereto.

2. On that same date, an arrest warrant was issued by the United States District Court for the Eastern District of Virginia. A copy of the warrant is attached hereto.

3. On or about December 14, 2010, investigation revealed that CONE had reserved a seat on Air China Flight 981 bound for JFK International Airport ("JFK") from Beijing, China. The flight was scheduled to land at JFK at approximately 1:30 p.m. on December 17, 2010.

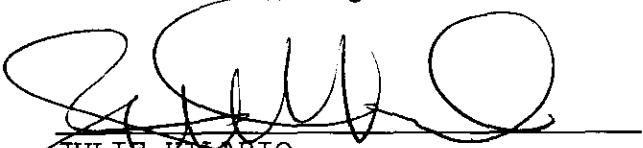
3. On December 17, 2010, officers from United States Customs and Border Protection ("CBP") encountered the defendant as he was deplaning from the flight. The defendant presented his United States passport to CBP, which identified him as Donald Howard Cone. Based on the outstanding warrant for the arrest of Donald Cone, CBP escorted the defendant to a primary inspection station.

4. ICE officers who were at the primary inspection station identified the defendant as CONE based on a photograph of

CONE from a 2010 United States passport application. The defendant was placed under arrest.

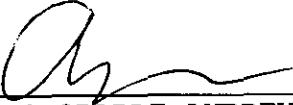
Enj 5 It is the desire of the United States Attorney for the ~~Western~~ District of ~~New York~~ *Virg* that the defendant CONE be removed to that district for prosecution.

WHEREFORE your deponent respectfully requests that the defendant DONALD CONE be removed to the Eastern District of Virginia so that he may be dealt with according to law.



JULIE MALARO
Special Agent
Homeland Security Investigations

Sworn to before me this
18th day of December, 2010



THE HONORABLE ANDREW L. CARTER
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

United States of America

v.

DONALD CONE

Defendant

Case No. 1:10-mj-01494-ALC

INFORMATION
COPY ONLY

ARREST WARRANT
NOTICE BEFORE ARREST, VALIDATE
THROUGH NCIC. ORIGINAL
HELD BY U.S. MARSHAL.

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) DONALD CONE

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Count 1 - Conspiracy (Title 18 U.S.C. section 371)
 Counts 16-22 - Wire Fraud (Title 18 U.S.C. section 1343)
 Counts 23-25 - Wire Fraud (Title 18 U.S.C. section 1343)

Date: 11/09/2010*Judith Lantam*
Issuing officer's signatureCity and state: Alexandria, Virginia*Judith Lantam, Deputy Clerk*
Printed name and title

Return		RECEIVED UNITED STATES MARSHAL
This warrant was received on (date) _____, and the person was arrested on (date) _____, at (city and state) _____.		
Date: _____		Arresting officer <i>Judith Lantam</i> Printed name and title